COURT NO. 1

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

WRIT PETITION NO. 964 OF 2005 (M/B)

1. Paramjeet Singh S/o late Charan Singh
2. Kamaljeet Singh S/o Paramjeet Singh
3. Gurinder Singh S/o Paramjeet Singh
4. Baljeet Singh S/o late Pakhar Singh

All R/o Village Haripur Phatkuan, Tehsil Haldwani, Distt. Nainital

5. U.S. Srivastava, Memorial Education Society, Sector-25, Indira Nagar, Lucknow through its Secretary Sri Krishna Bahadur Lal, S/o late U.s. Srivastava, R/o Sector-25, Sheerwood College Campus, Indira Nagar, Lucknow

..... **Petitioners**

Versus

1. The State of Uttaranchal through Secretary, Awas Civil Secretariat, Uttaranchal Dehradun.
2. District Magistrate/ Collector, Nainital
3. Prescribed Authority/Sub Divisional Magistrate, Haldwani, District Nainital

..... **Respondents**

Shri Kailash Chandra Tewari, Advocate for the petitioners.
Learned standing counsel for the respondents.

Dated: February 14, 2006

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble P.C. Verma, J.

By means of this writ petition, the petitioners have prayed for writ of Certiorari for quashing the portion in the impugned order dated 05.03.2005 "*not in the interest of public health and safety*".

2. The grievance of the petitioners is that the aforesaid observation in the impugned order is coming in their way in getting the environmental clearance from the Pollution Control Board, Uttaranchal. The petitioners are not aggrieved by refusal of their

excess purchase of land required under Section 154 of the U.P. Zaminadari Abolition & Land Reforms Act, 1952.

3. On due consideration of the facts stated in the writ petition and after hearing learned counsel for the petitioners at length, we are of the opinion that an opinion has been expressed in the impugned order which must be based on certain material. However, it is provided that the Pollution Board and Uttaranchal while considering the request of the petitioners for grant of environmental clearance, the Board shall not be governed or influenced by the said observation and shall take independent decision on the relevant material available with it.

4. Subject to above, the writ petition is disposed of finally.

(P.C.Verma, J.) **(Rajeev Gupta, C.J.)**
14.02.2006 **14.02.2006**

Rajeev Dang